



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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MINUTES
October 28, 2005 Meeting
DES Conference Room
9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Joe Farrelly
Ben Frost
Mark Gallagher
Mark Hemmerlein
Kenneth Jordan
Mitchell E. Kalter
Marsha Lavallee-Huntoon
James S. Morash
Fred Murphy
Larry Sunderland

Representing:

Scientific Community, UNH
State Conservation Committee
NH Lakes Association
Director, Office of Energy and Planning
Commissioner, DOS
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Conservation Commissions
Tourism, NH Travel Council
Member, Planning Board
Conservation Community

Term:

August 22, 2007
August 1, 2006
August 1, 2006
Indefinite
Indefinite
Indefinite
June 27, 2005
August 22, 2006
August 22, 2007
August 1, 2007
August 1, 2008
September 19, 2007

Members not present:

Wendell Berry
Paul Goodwin
Johanna Lyons
Open Position
Rich Tichko
Dick Uncles

NH Business and Industry Assn
NH Marine Dealers Association
Commissioner, DRED
Elected Municipal Official
Exec. Dir., Fish & Game Dept.
Commissioner, Agr. Markets and Food

July 8, 2007
August 22, 2005
Indefinite
August 1, 2003
Indefinite
Indefinite

Guests Present

Jared Teutsch

Policy Director, NH Lakes Association

Staff Present

Jacquie Colburn
Harry T. Stewart, P.E.
Jody Connor
Darlene Forst
Bobbi Benedict

Lakes Coordinator, Watershed Management Bureau
Director, Water Division
Director, Limnology Center, Watershed Management Bureau
Shoreland Supervisor, Wetlands Bureau
Admin. Asst., Water Division, Director's Office

The Meeting Was Called to Order

Dr. Haney, Chairman, called the meeting to order at 9:35 a.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: September

***J. Pellerin made a motion to accept the September 23, 2005 minutes as presented.
K. Jordan seconded the motion and it was unanimously voted.***

2) Committee Business:

Reappointments

- K. Jordan has been re-appointed to the LMAC to represent the NH Association of Realtors through June 27, 2008.
- M. Kalter has been appointed to the LMAC to represent the Fish & Game Commission through August 22, 2006.
- M. Hemmerlein has been designated to represent DOT on the LMAC.

Travel Vouchers

J. Colburn will distribute travel vouchers to those members eligible for reimbursement of travel expenses at the December LMAC meeting.

Financial Statements

J. Colburn distributed financial disclosure statements for completion and filing with the Secretary of State.

Lakes and Rivers Staffing Update

J. Colburn advised that Laura Weit has been hired to fill the position of Assistant Planner. Initially, Laura will work primarily with the Rivers Program until Steve Couture's return in early February 2006, after which it is expected that her time will be allocated equally between the rivers and lakes programs.

3. LMAC Meetings:

J. Colburn suggested that the committee plan to meet on November 18 and decide at that time if the committee also will meet on December 16, 2005.

4. Future Agenda Items:

November 18, 2005 Meeting:

- Jeff Schloss and Andrea LaMoreaux will make presentations on the UNH LLMP and the DES VLAP, respectively.
- Paul Currier, Administrator of the Watershed Bureau at DES, will present the NH Water Monitoring Strategy.
- Bethann McCarthy, DES Dam Bureau engineer, will update the committee on progress made on updating the *Official List of Public Waters*.

December 16, 2005 Meeting (if held):

It was suggested that the committee review the statutory responsibilities of the LMAC and more aggressively focus on planning and implementing lake management strategies in 2006.

II. Overview of DES Water Division

Harry T. Stewart, P.E., Director of the Water Division of DES, presented an overview of the Water Division using a PowerPoint presentation.

Ben Frost arrived.

At the request of several committee members, Mr. Stewart will provide information on low-impact development to J. Colburn for distribution to the LMAC.

J. Colburn will provide updated notebooks/binders of LMAC documents/information to the committee members at the next meeting.

IV. Surplus Land Reviews

In response to J. Farrelly's question regarding DOT's process for disposal of state-owned land, M. Hemmerlein explained that requests from third-parties initiate the process. Once a request is received from a third-party (usually an abutter) to purchase state-owned land, the Bureau of Right-of-Way sends out a request to other DOT bureaus to assess the need to retain the land and to report back to the Bureau of Right-of-Way. If it is determined that DOT does not have a need for the land, municipalities and other state agencies are notified that a request has been received to surplus the property. The entire process takes approximately 12-18 months to complete. A cumulative impact assessment is not part of the DOT process.

3) Draft LMAC Letters

J. Colburn distributed copies of draft letters which she prepared at the LMAC's request to the Governor and to DOT regarding the SLR process.

Draft Letter to Governor:

Jacquie reviewed the draft letter with the committee. The following changes/conditions were requested:

- Request a meeting with the governor and staff to discuss the contents of the letter.
- Send copies to Jennifer Patterson, Esq., Attorney General's Office; Society for the Protection of NH Forests; and Carol Murray, DOT Commissioner.
- Add paragraph referencing CORD's letters to the Attorney General's Office requesting clarification of CORD/LMAC/RMAC responsibilities and authority in the SLR process.
- Split the third paragraph on page 2 after third sentence in order to highlight the importance of the need to develop an inventory of state-owned land.
- Authorize J. Colburn to contact Dr. Kimball, Chairman of the RMAC, for authorization to include the RMAC in the letter. If immediate approval cannot be obtained, references to the RMAC should be omitted and J. Colburn should send the letter to the Governor as soon as possible with a copy to the RMAC.

J. Farrelly made a motion to authorize J. Colburn to send the letter with revisions as set forth above to the Governor as soon as possible. J. Pellerin seconded the motion and it was unanimously voted.

- ❖ J. Farrelly requested an update on the progress by DOT on compiling an inventory of surplus land. M. Hemmerlein indicated that DOT is working on a database of state-owned land, but it will take several years to complete. Currently there is no computerized list, and filing of hardcopy is by project. It was suggested that for the committee's purposes parcels can be identified through municipal records.
- ❖ Several members commented on the importance of creating a master inventory of state-owned land as well as a state policy on retention and disposal of the land in order for the committee to be able to properly assess and prioritize the value of properties to New Hampshire's lakes with regard to public access, water quality impacts, and other long-range implications.
- ❖ B. Frost indicated that one of the questions sent to the Attorney General's Office for clarification is whether state-owned land can be disposed of without the approval of the LMAC. To date, CORD has not received a response to its requests for clarification.

Draft Letter to DOT

J. Colburn reviewed the draft letter to DOT. The following changes were requested:

- Address the letter to Carol Murray, Commissioner of DOT, and delete as cc.
- Send copies to: William Janelle, Kit Morgan, William Hauser, all of DOT, and Jennifer Patterson of the Attorney General's Office.
- Change "memo" to "letter" in first paragraph, line 1.
- Include as an attachment the present flow chart of the SLR process prepared by CORD. Indicate that it is a "draft" chart, and that the RMAC and LMAC are preparing a revised chart which will be forwarded to DOT staff for discussion.

F. Murphy made a motion to authorize J. Colburn to make the revisions set forth above and to send the letter to Carol Murray, Commissioner of DOT. J. Farrelly seconded the motion and it was unanimously voted.

Ben Frost left the meeting.

1) LMAC Policy and Checklist

J. Colburn distributed copies of the revised "Procedures for LMAC Review of State Property Disposal" and "LMAC Review of State Property Disposal, LMPP Staff Review Checklist." These documents include revisions requested by the committee members.

4) Changes to Process - LMAC/RMAC Notification

J. Colburn distributed copies of the draft flowchart and indicated that she will be updating the chart soon. This document will become the LMAC/RMAC DOT Notification Process for SLRs.

J. Colburn informed the committee that she contacted CORD to advise that the two SLRs (SLR 05-015 Andover and SLR 05-016 Manchester) brought before the committee at the October meeting were not within the purview of the LMAC. Since the last meeting, Jacquie received an SLR (SLR 05-017 Wakefield) from the Town of Wakefield requesting property to expand a town park. This property also was not within the jurisdiction of the LMAC and Jacquie has notified CORD.

M. Gallagher commented that in some instances property located across the road from a waterbody could be used to facilitate public access and may be within the LMAC's jurisdiction. Mark suggested that in instances where a municipality requests land for public use, a condition be added to the deed that the property can only be used for certain purposes.

12:00 BREAK FOR LUNCH

12:10 RECONVENE

III. Winnepesaukee Water Quality - LMAC June Site Visit

Dr. Haney reviewed the results of the water quality testing done at Meredith Bay at the committee's June 23, 2005 site visit. Chlorophyll in the upper four meters of the epilimnion was measured at 1-2 mg/L indicating oligotrophic conditions. A maximum of 4 mg/L were measured in the metalimnion. The increase in pH suggests that the chlorophyll populating the thermocline is active, which is an early sign of eutrophication.

Significant conductivity was noted around dock areas. This indicates that more nutrients were present in this area than in open water, which is likely a result of runoff. In general, areas around docks have higher turbidity and increased chlorophyll.

V. Lake-Related Legislation and Other Items and/or Issues

1) Lake Related Legislation

Jared Teutsch reviewed current legislation with the committee:

Dam Maintenance

Jared is not aware of any legislation specifically to fund dam maintenance. One bill, however, would impose a fee on groundwater withdrawals with a portion of the fee going to the dam maintenance fund.

Speed Limit

A speed limit bill passed in committee which sets speed limits at 45/25 statewide, gives deference to Marine Patrol for prudent and reasonable enforcement; and ties violations to an individual's driver's license. The bill exempts racing events and other special events.

Moorings

The moorings bill passed in committee and sets the fee for a new mooring on any one of the six regulated lakes at \$125 plus an ongoing annual fee of \$50.

Surplus Land

The New Hampshire Lakes Association will support a bill to create a study committee to look at the process of leasing state-owned waterfront property. The committee will be composed primarily of legislators, the Commissioner of DOT and other nonvoting members. Language will likely be available in January.

Rep Chandler is sponsoring two LSRs relative to the state's surplus land review process.

2) Other Items and Issues

SPA Commission

Darlene Forst reported on the status of the Shoreland Protection Act Commission. The commission has held three meetings and discussed various problems encountered with the CSPA, including primary structure setbacks, woodland buffer requirements, coordination of the SPA and other wetlands statutes, and interplay between state agency and municipal regulations. A major concern is that there is no permitting process which makes administration and tracking problematic. The commission must submit a preliminary report on November 1, 2005 and a final report on November 30, 2006 to the Legislature.

Winnisquam Boat Ramp

J. Colburn commented that DES, F&G and the City of Laconia are making good progress on development of the site for public access. The next step is to have Historical Resources assess the site since the wastewater treatment facility is over 50 years old. J. Colburn will make a presentation at a future LMAC meeting on the process of developing access sites.

Economic Value Study - Phase IIIb

Anne Nordstrom will oversee Phase IIIb, which is the survey of out-of state residents. The survey will attempt to determine how people will change their behaviors in relation to deteriorating water quality and the potential for lost revenues to the state.

Other

Dr. Haney commented that another issue for the committee to look at when considering lake management strategies is that although the interception concept has worked well for the Winnepesaukee River basin area and other projects, there is a cost as ultimately the outflow goes into the ocean.

Dr. Haney expressed appreciation on behalf of the committee to Jacquie Colburn for her work in drafting the letters to be sent to the Governor and Dot.

K. Jordan made a motion to adjourn. J. Farrelly seconded the motion and it was unanimously voted.

The meeting adjourned at approximately 1:00 p.m.